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Remarks

Claims 16 to 28 are cancelled. Claims 29 to 42 are added. Claims 29 to 42 are pending in this application of which only claims 29 and 41 are in independent form.

Added independent method claim 29 incorporates the subject matter of original claims 1, 3 and 13 as well as an additional feature and limitation taken from the material set forth on page 14, lines 8 to 13, of the applicant's disclosure whereat it is explained that:

"...For the pregiven step width or the slope of the ramp function, values can also be pregiven in dependence upon the type of driver, for example, for a sporty driver type a greater pregiven step width or a greater slope of the ramp function and for a more economical driver type, for example, a lower step width or a less steep slope of the ramp function is provided."

From the foregoing, it can be seen that the above subject matter adds substantially to applicant's invention as claimed.

Claim 16 had been rejected under 35 USC 103(a) as being unpatentable over Shuman et al. The applicant will show that added claim 29 patentably distinguishes his invention over this reference.

The above-quoted subject is now reflected in claim 29 with the clause:

"inputting a value for said slope or for said step width with said value being dependent upon the type of said driver."

Thus, the driver can be a sporty driver or an economical

driver or even a driver somewhere in between and the value of the slope or step width is inputted to accommodate this particular driver. Nowhere in Shuman et al or in any of the other references is there any suggestion which could enable our person of ordinary skill to arrive at the above method step. The above-quoted method step of applicant's claim 29 affords the advantage that the time for reaching the speed wanted by the driver above the maximum permissible speed can be adapted to the particular type of driver so that the driving comfort is increased and the command of the driver can be still better realized.

In view of the above, applicant submits that claim 29 should now patentably distinguish his invention over Shuman et al and be allowable. Claim 41 parallels claim 29 in an apparatus context so that this claim too should be allowable as should claims 30 to 40 which are dependent from claim 29 and claim 42 which is dependent from claim 41.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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